

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1)	TAMMY COVINGTON, and	)	
(2)	JEFFREY COVINGTON	)	
		)	
	PLAINTIFFS,	)	Case No. CIV-19-718-PRW
		)	
vs.		)	
		)	
(1)	CSAA FIRE AND CASUALTY	)	
	INSURANCE, d/b/a AAA FIRE AND	)	
	CASUALTY INSURANCE COMPANY,	)	
	INC.	)	
		)	
	DEFENDANT.	)	

**PLAINTIFFS' RESPONSE TO  
DEFENDANT'S MOTION FOR LEAVE TO FILE SUPPLEMENT  
TO MOTION FOR SUMMARY JUDGMENT**

COMES NOW the Plaintiffs, Tammy Covington and Jeffrey Covington, and for their response to Defendant's Motion For Leave To File Supplement To Motion For Summary Judgment, filed on September 2, 2020 [Dkt. No. 63], state:

Plaintiffs object to Defendant's Motion to file a supplement to its Motion for Summary Judgment (Doc. 15). Defendant did not comply with LCvR15.1, in that it did not attach the proposed pleading as an exhibit to the motion. Because of this, Plaintiffs do not know exactly what evidence or testimony Defendant refers to. Regardless, Alana Hare is a supervisor at CSAA, and will be the corporate representative for Defendant at the trial. Any information she provided to Plaintiffs at her deposition was always available to Defendant prior to her deposition. Therefore, there is nothing "new" which would justify a supplement to the Motion

for Summary Judgment (Doc. 15), which was filed on March 2, 2020, over 6 months ago. Therefore, there is no viable basis for Defendant's request.

WHEREFORE, Plaintiffs respectfully request the Court deny Defendant's Motion For Leave To File Supplement To Motion For Summary Judgment [Dkt. No. 63].

Respectfully submitted,

s/ Douglas J. Shelton  
Douglas J. Shelton, OBA #8159  
[dshelton@sheltonlawok.com](mailto:dshelton@sheltonlawok.com)  
SHELTON WALKLEY MACKEY  
7701 S. Western Ave., Suite 201  
Oklahoma City, OK 73139  
(405) 605-8800 - office  
(405) 601-0677 - Facsimile  
*ATTORNEYS FOR PLAINTIFFS,*  
*TAMMY COVINGTON AND JEFFREY COVINGTON*

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2020, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Gerard F. Pignato, OBA #11473  
Matthew C. Kane, OBA #19502  
Joshua K. Hefner, OBA #30870  
RYAN WHALEY COLDIRON JANTZEN  
PETERS & WEBBER PLLC  
400 North Walnut Ave.  
Oklahoma City, OK 73104  
[jerry@ryanwhaley.com](mailto:jerry@ryanwhaley.com)  
[mkane@ryanwhaley.com](mailto:mkane@ryanwhaley.com)

[jhefner@ryanwhaley.com](mailto:jhefner@ryanwhaley.com)

*ATTORNEYS FOR DEFENDANT*

/s/ Douglas J. Shelton  
Douglas J. Shelton